

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD**

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Wednesday, October 5, 2011

9:00am

In attendance: Dennis Brennan

Timothy Byrne

Stanley Davies, Chairman

Fred Foeri

Steven Gray

Bobby Joe Harris

Michael Januario

Jack King

Edward J. Whittaker, Sr. Chief Investigator

Benjamin Copple, Legal Counsel

Not in attendance: Robert Eva, Raymond Freitas and Quinlan T. Regan

The meeting was called to order at 9:10 am by Chairman, Stanley Davies.

Dispensing of the minutes was held until after the hearings.

HEARINGS:

1.) Thomas Federici (Violation # 4104): Thomas Federici and Edward J. Whittaker, Sr. Chief Investigator are sworn in for testimony.

Edward J. Whittaker read the violation:

DATE: 8/2/2011

VIOLATION #: 4104

NAME OF VIOLATOR: Thomas A. Federici; ADDRESS: 72 Whitford Street, Warwick, RI 02886. Pipefitter Master II #2392

LOCATION OF VIOLATION: 135 Ferncrest Avenue, Cranston, R.I.

VIOLATION: On or about April 19, 2011 a Mr. Thomas Ricci owner of the above mentioned property hired a Mr. Thomas Federici to install a used boiler. Mr. Ricci paid Mr. Federici \$540.00 on that day. \$180.00 of that was to go for obtaining a mechanical permit from the City of Cranston for the boiler installation. No mechanical permit was taken out for the installation of a boiler at the above mentioned property.

This is a violation of RIGL 28-27-20, State and municipal inspections and installation permits. One violation at \$500.00. Mr. Whittaker and Mr. Federici provide testimony and are questioned by the Board.

Based on testimony provided today by Mr. Federici, that he in fact did not install the boiler and thus did not need to pull a permit, Timothy Byrne made a motion that based on testimony presented today Mr. Federici was not in violation of RIGL 28-27-20. Bobby Joe Harris

seconded the motion. The motion was passed unanimously by the Board. This recommendation will be forwarded to the Director.

2.) Lawrence Santapaul (Violation #4105): Lawrence Santapaul and Bob Gaj are sworn in for testimony. Edward J. Whittaker read the violation:

DATE: 8/2/2011

VIOLATION #: 4105

NAME OF VIOLATOR: Lawrence Santapaul c/o Temperature Controlled Systems, 30 Cary Ave, Lexington, MA 02173

LOCATION OF VIOLATION: Hunt Street, Central Falls, RI

VIOLATION: On 7/25/11, Chief Investigator, Robert Gaj, checked licenses at the above location. A Mr. Lawrence F. Santapaul, Jr. and a Mr. Dominic Lawrence Santapaul from Temperature Controlled Systems were working on the roof top unit of the 7 Eleven store on Hunt Street, Central Falls, RI. Checking the corporation papers indicates that there is no Master Refrigeration License in the company. Our records show the individuals working at the site mentioned were not licensed in RI to perform this type of mechanical work. There are three violations. One violation of RIGL 28-27-5, Practices for which master or contractor license required and two violations of RIGL 28-27-5.1, Practices for which a journeyman or apprentice license required. Total of three violations at \$500.00 each total \$1500.00. Edward J Whittaker addressed the Board. Bob Gaj provides testimony. The Board questions Mr. Gaj. A packet of six (6) photographs is submitted into evidence as Department's A and

marked P-A. Lawrence Santapaul provides testimony. The Board questions Mr. Santapaul. A photocopy of Mr. Santapaul's licenses is submitted into evidence and marked Respondents Exhibited 1. Questioning continues.

Steven Gray made a motion that Violation # 4105 did occur; seconded by Jack King. The Board has a discussion on the motion. Timothy Byrne agrees with Mr. Gray's motion that the violation did occur but would like to note that the licenses were not properly vetted for the condition of the work; seconded by Bobby Joe Harris. The motion passed unanimously by the Board. Regarding the penalty, Dennis Brennan made a motion that the three violations of \$500.00 for a total of \$1,500.00 be upheld; seconded by Timothy Byrne and passed unanimously by the Board. This recommendation will be forwarded to the Director.

3.) Michael Clarke / Tri-State Mechanical Corp (Violation # 4116): Sean Nolan informed the Board that he received a telephone call from Michael Clarke on Tuesday, October 4, 2011 at 3:50pm. Mr. Clarke stated that he would be unable to attend today's hearing and he will pay the fine. Timothy Byrne made a motion that the agenda item Michael Clarke / Tri-State Mechanical be tabled until the next meeting pending any action between the Department and Tri-State. The motion was seconded by Fred Foeri and passed unanimously by the Board.

End of hearings.

MINUTES:

Regarding the minutes of the September 7, 2011 meeting, Timothy Byrne made a motion to accept the minutes; seconded by Fred Foeri and passed unanimously by the Board.

Timothy Byrne made a suggestion that the Board books be updated similar to other Boards so that all books conform to each other.

ADJOURNMENT:

Dennis Brennan made a motion to adjourn; seconded by Bobby Joe Harris and passed unanimously by the Board.

The meeting adjourned at 9:36am.

The next meeting is scheduled for Wednesday, November 2, 2011 at 9:00am.